

THE HUSBAND HAS A RIGHT TO STAY IN WIFE'S HOME

Humphreys Refuses an Injunction to Stop Abuse.

Supreme Court Reverses Circuit Judge in Case of Smith vs. Hamakua.

JUDGE HUMPHREYS yesterday denied an application for injunction asked by Susan Kahilina to restrain her husband, J. Kahilina, from interfering with or molesting her. Charges of cruelty and physical violence are made, the last assault being at their home in Kailua, December 29. It was also alleged that Kahilina has squandered large sums from his own and his wife's estate. Jealousy is charged, and also that defendant refuses to allow his wife to leave the house. Absolute divorce is asked.

Humphreys gave as a reason for refusing an injunction, that "assault and battery being a criminal offense, its commission cannot be enjoined," and that the proper tribunal may bond him to keep the peace. The court states that he knows of no rule of law which would warrant the court enjoining a defendant husband from living with his wife in her own home.

SUPREME COURT DECISION.

The Supreme Court handed down an opinion yesterday in the case of Henry Smith vs. Hamakua Mill Company, sustaining the exceptions to the ruling of the lower court, setting aside the verdict and ordering a new trial.

The suit was for the possession of an undivided one-fourth of 6,330 acres in Hamakua, Hawaii, and the case was tried to a jury, the court instructing a verdict in favor of plaintiff, Smith. This verdict is set aside by the Supreme Court in a lengthy opinion written by the chief justice. The higher court holds that the circuit judge erred in excluding evidence as to adverse possession offered by defendant, and after striking out such evidence in instructing the jury to return a verdict for plaintiff.

NEW FISHERIES SUIT.

Julia G. Ward has sued the Territory of Hawaii for fishery rights in about one hundred acres of beach land near the Old plantation. The action is similar to that of the John A. estate, in testing the reference in the organic act to fisheries.

CIRCUIT COURT NOTES.

An appeal to the Circuit Court has

BY AUMOKII.

Department of Public Works,
Honolulu, T. H., Dec. 31, 1901.

NOTICE IS HEREBY GIVEN THAT in accordance with the authority vested in me by section 612 of the Civil Laws, the rules and requirements of the National Board of Fire Underwriters for the installation of electric wiring and apparatus, with supplement edition of 1901, with such changes as may be made from time to time in said code, are adopted as the rules and regulations for the installation of an electric wiring of buildings and electric plants within the Territory of Hawaii.

Applications must be made on proper blanks to the Department of Public Works before wiring or installing electric plants in any building within the Territory of Hawaii.

No person or corporation supplying electric current for lighting or motor purposes shall connect with any building without first having the approval, in writing, of the government electrician, of the wiring of said building.

Mr. W. L. Frazee is appointed government electrician, and is authorized to make all necessary inspections.

To take effect on and after the 1st day of January, 1902.

JAS. H. BOYD,
Supt. of Public Works.

6054

been taken by the plaintiff in the case of Emmeluth & Co. vs. B. F. White. Judge Dickey gave judgment for defendant. The suit was for a plumbing bill.

James Love has made application that he be allowed to withdraw the will introduced in evidence during the trial to terminate J. A. Magoon's spendthrift guardianship. The order was made yesterday by Judge Humphreys.

An appeal to the Supreme Court has been taken in the case of H. F. Wichman vs. the Orpheum Company. Judge Dickey gave judgment for \$10 for balance due on a gold watch and crest delivered to Mr. Cohen of the defendant company.

Old Cannon at Haleiwa.

Among the decorations of the grounds surrounding Haleiwa, Waialua's attractive and restful resort, are two badly corroded cannon that were fished out of the bay a year or so ago abreast of the hotel. Colonel Lauke reports two others in the same spot, but too much encrusted with coral formation to be readily dislodged. Natural interest and inquiry has followed their finding, as to the time of their loss and name of the vessel they belonged to. Natives all credit the schooner Malola therewith, but this vessel was lost at Mokuleia, some miles distant, and comparatively recently, whereas the guns show evidence of having lain many years in the water. Enquiry of a former resident elicits the information that these cannon, stowed in the hold for ballast, belonged to the old schooner S. S., which was lost in 1851, with a load of lumber, fence posts, etc., while in command of a Captain Tar-Thrum's Annual.

CASES BEFORE JUDGE ESTEE

The appeal in the case of the United States vs. Bishop Estate was perfected yesterday. A lengthy assignment of errors was filed and also a petition for writ of error and supersedeas. The court is asked also to fix the amount of security required on appeal, and for a stay of execution until a final decision is received.

The appeal is to the Ninth Circuit Court of Appeals at San Francisco and will probably go upon the calendar for the April term. A decision can hardly be expected before May or June.

SICK JUROR DELAYS CASE.

The Pearl Harbor land case in which the Honolulu Plantation Company is defendant went over yesterday until Monday, because of the illness of a juror, L. F. Prescott. Judge Estee reported that he had received word from Dr. W. H. Howard that Prescott had become seriously ill upon his return from the inspection trip Monday, and was confined to his bed. He is subject to hemorrhages and is quite ill. The disease was aggravated by the trip to Pearl Harbor, and the physician reported that he would not be able to leave his bed before Monday at the earliest.

The court thereupon, with the consent of the counsel, continued the case until Monday. At that time some other action may be taken if the juror has not recovered. The case may go ahead with eleven jurors, or be continued again until Mr. Prescott is able to attend, or if neither of the plans seem feasible, it may be necessary to secure a new jury and start the case all over again.

RETAINERS OF LATE DOWAGER.

(Continued from Page 3.)

family, giving them the privilege of improving the mausoleum and to carry out a cherished wish of the relatives of the late King and Queen to remove all the caskets now there to a beautiful vault to be erected in the plot of ground just east of the mausoleum, over which will be built a sixty-foot shaft dedicated to King Kalakaua and his Queen. The spot selected is a beautiful place, surrounded by tall royal palms, and when improved according to plans already made, will be one of the most attractive places in Honolulu. The last Legislature appropriated \$10,000 for the improvement of the mausoleum, but nothing will be done with this sum until it is known what Congress will do in the matter of turning over the grounds to the members of the royal family. Mr. Colburn has already had contractors go over the mausoleum to arrive at an estimate of the cost which will include putting in a handsome tile flooring, marble steps to the entrance, the walls to be hardwood finished, and everything done to preserve the building. The mausoleum would then be converted into a memorial chapel. It is understood that C. R. Bishop of San Francisco, husband of the late Princess Bernice Pauahi Bishop, will assume a share of the expense of caring for the grounds and buildings.

SAILORS' HOME FREE OF DEBTS AND PROSPEROUS

Old Officers Reelected and Many Reports Received.

Work Done by the Superintendent Meets with the Approval of Members.

NEVER during its more than a half century of existence has the Sailors' Home been in better condition than it is today, and after the meeting of the association yesterday it was voted to send to Superintendent Capt. Isaiah Bray such an acknowledgment. There were present at the meeting the following:

W. F. Allen, J. F. Hackfeld, F. W. Damon, J. B. Atterton, A. S. Clegorn, Henry Waterhouse, F. M. Swanzy, W. W. Hall, John Ema, E. F. Bishop, C. L. Wight and F. A. Schaefer.

The trustees elected for the term ending December 31, 1904, were:

Robert Lewers, F. M. Swanzy, J. M. Oat, W. F. Allen, C. L. Wight, W. W. Hall and F. M. Damon. The election of officers held by the trustees, resulted as follows: Col. W. F. Allen, president; John Ema, vice president; F. A. Schaefer, secretary, and E. F. Bishop, treasurer; all re-elections.

Captain Bray submitted his report, which was in short, as follows: Seafaring occupants for the year, 1,884, of which 1,284 were transients; number of men shipped from home, 53; defaulting boarders, 98; amount of dereliction, \$114.00; destitute seamen assisted, 23; amount, \$29.80. Gross receipts, \$3,144.56; gross expenditures, \$2,382; balance, \$162.36. Expended for repairs, \$214.00; expended for renewals, \$333.91.

Among the repairs which are noted is included the mending of all pools and the connection of the buildings with the city sewer system; cleaning and painting of the most of the rooms and verandas, general replacing of locks and fittings, repairs and painting of roofs and plaster renewed; new trees and vines added, making the home the best, as reported by visitors, that they have ever found in any port.

The superintendent reports that there is a dislike of the system of dormitories, and there is a loss of revenue from this dislike. Thanks are tendered to Mrs. Berger for assistance to sailors in need, and to friends who saw to it that there was a splendid Christmas dinner. There was only one death during the year, that of a sailor transient, who was found dead in bed.

The report of Treasurer E. F. Bishop showed a balance of \$255.34, which was left after all expenses and a deficit from the year 1900 of \$469.63 had been met, the total expenditure being \$2,144.66. The receipts were: Donations—F. A. Schaefer & Co., \$100; M. S. Grinbaum & Co., \$100; Theo. H. Davies & Co., Ltd., \$200; H. Hackfeld & Co., Ltd., \$250; W. G. Irwin & Co., Ltd., \$250; Castle & Cooke, Ltd., \$250; C. Brewer & Co., Ltd., \$250; Allen & Robinson, \$50; Alexander & Baldwin, Ltd., \$250; Bishop & Co., \$250; Lewers & Cooke, Ltd., \$100; the Von Hamm Young Company, \$100; Oahu Railway and Land Co., Ltd., \$250. Total, \$2,400.

Neerology of the Year.

W. Horace Wright, James A. Hopper, Arch. A. Steele, David Center, J. Chas. Long, T. W. Gay, W. H. Henshall, Mrs. M. Bruns, M. R. Colburn, John McLean, J. A. Moore, Dr. Robt. McKibben, Mrs. A. B. Ingalls, J. N. Wright, W. S. Luce, Mrs. Samuel Parker, Mrs. F. S. Lyman, Capt. J. Rice, Hugh Morrison, Jas. Hunt, Paul Neumann, Wm. C. Wilder, M. T. Donnell, Rev. J. Waiama, Mrs. J. J. Horner, Mrs. M. E. Rowell, Gideon West, Daniel A. Ray, and John C. Baird.

Roll Call and Rally.

A roll call and rally service will be held at the Christian church Thursday evening, January 2, at 7:30 o'clock. Every member of the church is urged to be present to respond when his name is read. There will be a program of interesting and profitable features.

BORN.

LUDEWIG—In this city, December 31, 1901, to the wife of H. F. Ludwig, a daughter.



At Auction!

ON TUESDAY, JAN. 14, 1902,

AT 1 O'CLOCK P. M.,
ON THE PREMISES.

That Valuable Lot

Southwest corner King and Kekaulike streets, fronting 90 feet on King street, by 101 feet on Kekaulike street.

Upset price, \$20,000. Ten thousand dollars can remain on the property at 8 per cent.

Terms—Cash on delivery of deed.

The purchaser will be guaranteed an opportunity to lease the property at once, if he wishes to do so, on a forty years' lease, at one hundred and twenty-five dollars per month, ground rent, payment of rent to begin July 1, 1902. The lessee to pay all taxes and assessments, and to erect forthwith on the premises a brick building to cost not less than ten thousand dollars. The building to be kept insured for ten thousand dollars at lessee's cost for the benefit of the lessor. In the event of loss insurance money to be used in rebuilding.

WILL E. FISHER,
AUCTIONEER.

At Auction

ON FRIDAY, JAN. 3rd, 1902,

COMMENCING AT
12 O'CLOCK NOON,

I will offer for sale at my salesrooms, corner Merchant and Alakea streets, 1 Upright Piano, 1 Iron Safe, 2 Showcases, Mantel Clocks, 3 Cots, Refrigerator, Scales, 3-burner Automatic Blue Flame Stove, Lawn Mowers, Sterling Tandem Bicycle, Cook Stoves, Phonograph, 4 Kitchen Tables, 40 Chairs, etc., etc.

WILL E. FISHER,
AUCTIONEER.

BOARDMAN LOTS

KINAU STREET,
KAPIOLANI and
LUNALILO STREETS.

\$1500 and \$1700
EACH!

1-3 CASH

Balance on time.

WILL E. FISHER,
Real Estate Agent and Auctioneer.

Cor. Merchant and Alakea Sts.

Half-tone and zinc cuts made at the Gazette office. If you have a good photograph you may be sure of a good cut.